

THE
SOVERAIGNTY
OF THE
BRITISH SEAS;

PROVED BY
Records, History, and the Municipal
Laws of this Kingdom.

Written in the Year 1633.

By that Learned KNIGHT
Sir JOHN BOROUGHS,
KEEPER of the RECORDS in the
Tower of LONDON.

L O N D O N:
Printed for J. ROBERTS, at the *Oxford*
Arms in *Warwick-Lane*,
M.DCC.XXXIX.

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TO THE
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THERE needs no Apology for
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Edition printed *Anno* 1651. with the
Original Preface, &c.

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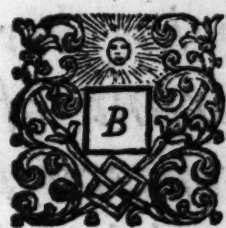
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To



TO THE
READER.



*E not startled to see
so great a Subject
handled in so small
a Volume. When you
have read but a little of this
little, you'll thinke the Author
was tender of your trouble,
but not of his own. For
(how*

vi To the READER.

(how cheape soever you come by this Book) it cost the Author the perusall and search of the best and most Records of our Nation. And yet hee was one that knew well enough how to value his time ; for none made better use of it ; and (in these kinds of Scrutinies) you may beleieve he went the best way, because hee knew them all, and trod them every day ; it being his Office not to be ignorant of any Records that concern'd the Honour or Antiquitie of this Island. It was written at the request of a great Person, who desir'd to understand the true State of the Question,

con-

TO the READER. ivii

concerning the Dominion of the British Seas, as well what Histories as our own Records would afford. And here 'tis done in a little roome; for the Author was able to speake fully and briefly both at once. Some others have written of the same Subject; and if wee thought any spake more, or so much, in so short compasse, wee should forbear the publication of this. Wee are borne in an Island, and cannot goe out of it without asking leave of the Sea and Winde; and not to know what Right wee have to that Water which divides us from all the World, is something ill becoming such
as

viii To the READER.

*as can read, and may know
for reading. The Title is not
too bigge for the Booke,
though one of the greatest
Ships of the World was cal-
led by the same name ; and
(if some knowing Persons
bee not deceived) our Au-
thor was the first that hint-
ed it, having written this
Discourse three Yeares before
that famous Vessel was built.*

Farewell.



**THE
SOVERAIGNTIE
OF THE
SEAS of ENGLAND.**



THAT Princes may have an exclusive property in the Sovereignty of the severall parts of the Sea, and in the passage, fishing and shores thereof, is so evidently true by way of fact, as no man that is not desperately impudent can deny it. And for the point of right, though some of late have endeavored by way of argument to prove the contrary, affirming them to be not onely publique but common; yet the notorious practise of all Maritime Countries, the necessity of

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Order in mutuall commerce, and the safety of mens persons, goods, and lives had taught even the most barbarous Nations to know by the light of humane reason, that lawes are as equally necessary for the government and preservation of such as frequent the Seas, as of those that trade, and negotiate on the firme land. And that to make lawes, and to give them the life of execution must of necessity require a supream authority, for to leave every part of the Sea, and shores to an arbitrary and promiscuous use, with a correcting and securing power in case of wrong, or danger is to make men of the like condition with the fishes that live therein, of which the greater doe usually devoure, and swallow the lesse.

I conceive therefore that Princes doe entertaine these Schoole Problems, and Criticismes no otherwise then with contempt and scorne, much disdaining to bee wrangled out of the ancient rights and regalities annexed to their crownes by the subtile Arguments of witt and Sophistrie, specially considering that amongst the Civill Lawyers themselves there is so great diversity of opinion, whilst some peremptorily maintaine, That *Mare & littora maris jure Gentium sunt communia**. Others as confidently saying, *Videmus de jure Gentium in mare esse distincta dominia sicut in terra*†. And further, *mare ipsum ad centum usque milliaria pro terri-*

* *Grotius de Mari libero.*

† *Baldus ad L. de rerum dominijs.*
torio

torio districtuque illius Regionis qui proxim. appropinquat assignatur *: with many other like alterations diameter wise contradictorie the one to the other; And therefore the question being not as yet resolved amongst themselves, it were strange to thinke that Princes in the meane time will relinquish the possession of those Royalties which they and their Ancestors have held beyond all memory, without a judgement first agreed upon, and affirmed in the case. And for his sacred Majesty our dread Sovereigne Lord the King, such is his cleare and indubitable right to the Superiority of the Seas of *England* derived and confirmed upon him by immemorable prescription, and continued in possession even untill this very yeare 1633. that the hearts and consciences of all just men must necessarily subscribe to the evident truth thereof. But if contrariewise any shall presume and goe about actually to dispossesse his Majestie of this his undoubted birthright, or usurpe upon his Sovereigntie in a case so highly concerning his honour and safety, as well of his owne kingdoms and subjects, as of other Nations that under the wing of his protection doe passe those Seas, his Majestie (no doubt) will never be unprovided of a good sword to vindicate that right which all his royall progenitors have carefully maintained, the lawes and customs of this kingdome have ratified and con-

* *Barthol. in Tract. de Insulis.*

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firmed, and forraigne Nations have freely acknowledged; as by the subsequent monuments of Record, History, and the Common lawes of the land will evidently appeare.

When *Julius Cæsar* first undertook the Invasion of this our isle of *Brittaine*, he found the neighbouring Nation of the *Gaules* in a manner altogether ignorant of the Island it selfe, the condition of the Inhabitants their Towne, Havens, and approaches, * *Quæ omnia fere Gallis erant incognita, neque enim temere præter mercatores adit ad illos quisquam neque eis ipsis quidquam præter oram Maritimam atq; eas Regiones quæ sunt contra Galliam notum est.*

So are the words of *Cæsar* whereby it appeareth that the Brittaines kept off all Strangers except Merchants from approaching their confines, and that those Merchants in their access were restrained to the shore only, that lay opposite to the *Gaules*, without being suffered to make further discoveries of the more remote coasts. Infomuch that the same *Cæsar*, upon diligent examination of those Merchants, † *Neque quanta esset Insulæ magnitudo, neque quæ, & quantæ Nationes encolerent, neque, quem usum belli haberent, aut quibus institutis uterentur, neq; qui essent ad majorum navium multitudinem idonei portus reperire poterat.* Which restraint of strangers they could not otherwise make good but by the goodnes and greatnes of their Shipping, as may be gathered by the words

* *Comment. di bello Gallic. l. 4. fol. 72. m. 8.*

† *Ibidem.*

of the same *Cæsar* afterwards used. For though the Brittaines for ordinary employment, and Rivers, and upon the Coasts neare the maine, had Ships composed of meane stufte, having their Keeles, and Ribs made of slight timber, and the rest of the Hull rooven up with Olyers covered with leather. * *Carinæ primum ac statumina ex levi materia fiebant, reliquum corpus navium viminibus contectum coriis tegebatur*: From whence *Cæsar* tooke his patterne of those Ships which hee was forced to frame on the sudden for passing his Army over the River near *Ilerda* in *Spaine*, without which he had utterly lost both it, and himselfe, yet had they, and their Confederates other shipping of so great bulk and strength, and withal so serviceable in fight at sea, that *Cæsar* in their description preferreth them far before those of the Romanes; for in the Navall preparations made by the Gaules of *Venice*, neare the mouth of the River *Loyer* (wherein hee expressely saith, that they had (*Auxilia*) supplies from the opposite part of Brittain) he setteth forth their Ships in such manner as (considering the time) may justly move admiration. † *Ipsorum Naves (saith he) ad hunc modum factæ armatæque erant. Carinæ aliquanto planiores quam nostrarum Navium, quo facilius vada, ac decessum æstus excipere possent, Proræ admodum erectæ, atque item puppes ad magnitudinem fluctuum tempestatumque accommo-*

* *De bello Civil. lib. 1. p. 233.* † *De bello Gallico, lib. 3. p. 55.*
data

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dolæ Naves totæ factæ ex robore, &c. And againe, **Neque enim his nostræ rostro nocere poterant, tantâ erat firmitudo, neque propter altitudinem facile telum adjicebatur. Et eadem de causa minus commode scopulis continebantur. Accedebant ut cum sævire ventus cœpisset & se vento dedissent, & tempestatem ferrent facilius & in vadis considerent tutius, & ab æstu derelicta nihil saxa, & cautes timerent.* And presently after, *Circiter cxxx. Naves eorum paratissimæ, atque omni genere armorum ornatissimæ è portu profectæ nostris adversæ constiterunt. Neque satis Bruto qui classi præerat, neq; Tribunis militum, Centurionibusq; quibus singulæ naves erant attributæ constabat, quid agerent aut quam rationem pugnæ institerent, Rostrum enim noceri non posse cognoverant: turribus autem excelsitatis, tamen has altitudo puppium ex barbaris navibus superabat, ut neque ex inferiori loco satis commode tela adjici possent, & missa à Gallis gravior acciderent.* And that the Brittaines not onely at this times but in most of those Warres of the Gaules, did send them aydes, and supplies against the Romanes, the words of Cæsar evidently declare, (who intending to invade their country, pretended no other quarrell then, †*Quod omnibus ferè Gallicis hostibus nostris inde subministrata auxilia intelligebat.*

Yet these three confederates and neighbours. the Gaules they permitted not freely to passe the Brittish seas, but kept them from knowing

* *Ibidem.*

† *De bello Gall. lib. 4.*

so much as their opposite coasts, save onely by way of Trade and Merchandize. And this to certaine appointed places neare the sea-shoares where the knowne Marts and Staples were appointed for commerce and traffique.

By all which it manifestly appeareth that before the Roman conquest the Brittish Nation had the supream power and command of their owne Seas without the competition of any other Nation whatsoever.

So likewise when the Romans had made themselves possessorie Lords of the Island, and the Soveraigntie of the Seas thereunto belonging was in them, and accordingly continued and was maintained, without incroachment, or pretence of title thereunto made by the other. But when the Civill warres and distraction of the Roman Empire had by exhausting of the flower of the Brittain youth, so much ineebled the Nation, as inforced them to call in the Saxons to their ayde against the Picts their insolent neighbours, and for suppressing the nationall factions growne up amongst themselves, and those Saxons (working upon the weaknesse of the Brittaines) had expelled them from the better parts of the Kingdome, though for a time they were diverted from settling their owne affaires by the powerfull invasions of the Danes and their homebred quarrels, grown by reason of the severall pettie Kingdomes of their Heptarchie, yet when they were all reduced

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duced under one head, they forgot not to assume their right of Sovereignty in the seas of England. As did the most noble Edgar, who in the glorious title of his Charters, yet extant of those times, speaketh as followeth.

* *Altitonantis Dei largiflua clementia, qui est Rex Regum, Ego Edgarus Anglorum Basileus omnium-que rerum Insularum Oceani quæ Britanniam circumjacent, cunctarumque Nationum, quæ infra eam includuntur Imperator & dominus &c.*

And for maintenance of this his Sovereignty he continually kept in readinesse a Navy of foure hundred ships, which being divided into foure severall Fleets of one hundred Ships a peece did every yeare after Easter take their course to the four quarters of England where they remained to garde, and scowre the Seas untill winter following. So saith *Ranulphus Cestrensis*. † *Idem quoque Edgarus 400 Naves congregavit ex quibus omni anno post festum Paschale, 100 Naves ad quamlibet Angliæ partem statuit, sic æstate Insulam circum navigavit, hyeme vero indicia in Provincia exercuit.*

Etheldred after *Edgar* for defence of the Seas, and kingdomes caused of every three hundred and ten hides of land a shippe to be built, which meeting at *Sandwich*, made the greatest Navy that ever this kingdome set forth to Sea.

* *Ex Charta foundationis Ecclesiæ cathed. Wigor.*

† *Ranulphus Cestrensis.*

And

And *Canutus* the Dane, coming not long after to be King first of halfe the Realme by composition betweene him and *Edmund Ironside* and after the death of *Edmond* of the whole Survivorshippe did for his owne time (as his Successors of the Danish race after him) preserve the Seas of the Kingdome in their former estate, without admitting any the neighbour Princes to have any dominion in any part thereof.

And so they remained in the time of the Confessor untill the conquest made by *William* Duke of *Normandie*, in whose raign, and for many discents after him, the Sovereigntie of the said Seas was so far from being evicted that it was never so much as questioned by any Nation untill the time of *Edward* the first, about the yeare 1299. and the six and twentieth of his raign. At which time the King of *France* being upon termes of hostilitie with those of *Flanders*, did by his Commission constitute one *Reyner Grimbald* Admirall of his Navy which he then sent forth against the *Flemmings* by virtue of which Commission, *Grimbald*, in passing to and againe in the Seas of *England*, tooke upon him Sovereigne Jurisdiction, as Admirall unto the French King in those Seas, taking the people, and Merchants of *England*, and other Nations, and carrying them into *France*, where he caused them to abide his judgement, and a ward concerning their goods and Merchandice; but shortly after

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the Kings of *England* and of *France* appointed by agreement certain Commissioners (termed Auditors in the Record) to heare, and redresse the wrongs interchangeably done by their Subjects contrary to the peace formerly made betweene them at *Paris*, before which the Commissioners the Agents (or Procurators as the Record nameth them) for the Maritime coasts of the greatest part of the Christian world, of *Genoa*, *Spain*, *Germany*, *Holland*, *Zealand*, *Frezland*, *Denmarke*, and *Norway*, made this remarkable acknowledgment and declaration following, which out of the old French of that time I have rendred into English, the title whereof is thus in Latine.

*De superioritate Maris Angliæ & jure officii
Admirallatus in eodem.*

* To our Lords Auditors deputed by the Kings of *England* and of *France*, to redresse the damages done to the people of their Kingdoms, and of other Territories subject to their Dominions by sea, and by land, in time of peace and truce.

The Procurators of the Prelates, Nobles, and Admirall of the sea of *England*, and of the Comminalties of Cities and Townes, and of Merchants, Marriners, Messengers, Pilgrims, and of all other of the said Kingdome of

* Record in the Tower of *London*.

of *England*, and the Territories subject to the Dominions of the sayd King of *England*, and of other places, as of the Sea-coasts of *Genoa*, *Cataloigna*, *Spaine*, *Almaigne*, *Zealand*, *Holland*, *Freezland*, *Denmarke*, and *Norway*, and of divers other places of the Empire, doe shew; That whereas the Kings of *England*, by reason of the sayd Kingdome from time whereof there is no memory to the contrary, have been in peaceable possession of the Dominion of the Sea of *England*, and of the Isles being in the same, in making and establishing Lawes and Statutes, and restraints of Armes, and of Ships, otherwise furnished then to Ships of merchandize appertaineth, and in taking suretie, and affording safeguard in all cases where need shall be, in ordering of all other things necessary for maintaining of Peace, Right, and Equity, amongst all manner of people, as well of other Dominions as of their owne, passing through the said Seas, and the Sovereign guard thereof, and in doing Justice, Right, and Law, according to the said Lawes, Ordinances, and Restraints, and in all other things which may appertaine to the exercise of soveraign dominion in the places aforesayd. And *A. de B.* Admirall of the Sea deputed by the King of *England*, and all other Admiralls ordained by the sayd King of *England*, had been in peaceable possession of the soveraigne guard, with the cognizance of Justice, and all other the appurtenances aforesayd, except in

case of Appeale, and of complaint made of them to their Soveraignes the Kings of *England* in default of Justice, and for evill Judgement, and especially in making Restraints, doing of Justice, and taking surety of the peace of all manner of people using Armes in the said Sea, and carrying Ships otherwise furnished, and set forth then to Merchants Ships appertaineth, and in all other points where a man may have reasonable cause to suspect them of Robbery, or of other misdemeanours. And whereas the Masters of the ships of the sayd Kingdome of *England* in the absence of the said Admirall hath been in peaceable possession of taking Cognizance and judging all actions done in the sayd Sea, betweene all manner of people according to the said lawes, Statutes, restraints, and customes. And whereas in the said first Article of confederation lately made betweene the said kings in the treatie upon the last peace at *Paris* are comprised the words which follow in a Schedule annexed to these presents, First it is estreated, and accorded betweene us, and the messengers and Procurators aforesaid in the names of the said Kings. That the said Kings shall from this time forward be one to the other good, true, and loyall friends, and ayding against all men (save the Church of *Rome*) in such manner, as if any one, or more, whatsoever they be, would disinherit, hinder or molest the said kings in the Franchises, liberties, priviledges, rights,

rights, dueties, customes of them and of their kingdomes they shall bee good and loyall friends, and ayding against all men that may live, and die to defend, keepe, and maintaine, the Franchises, liberties, priviledges, rights, duties, and customes abovesaid, except to the King of *England*, Mounseur *John Duke of Brabant* in *Brabant*, and his heires, descended of him, and of the daughter of the King of *England*, and except to our foresaid Lord the King of *France*, the excellent Prince Mounseur *Dubart*, King of *Almaigne*, and Mounseur *John Earle of Anbault*, in *Anbault*, and that the one shall not be of Counsell, or ayding, where the other may lose life, member, estate, or temporall honour, Mounseur *Reyner Grimbald*, master of the said Navy, of the said King of *France*, who names himselfe Admirall of the said Sea, deputed by his Lord aforesaid, in his warre against the *Flemmings*, after the said confederation made and established, and against the forme, and force of the said confederation, and the intention of them that made it, wrongfully assumed the office of the admiralitie in the said Sea of *England*, by the commission of the King of *France*, and used the same one year and more, taking the people and Merchants of the kingdome of *England*, and of other places passing through the said Sea with their goods, and delivered the people, so taken to the prison of the said Lord the King of *France*, in the Ports of his said king-

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kingdome, as to him forfeited and accrewing. And the taking and detayning of the said people, with their said goods and Merchandise; as also his said judgement, and award hath justified before the Lords Auditors in writing, by vertue of the authoritie of his said commission of the Admiraltie aforesaid by himselfe usurped, and during a restraint, generally made by the King of *England* by reason of his power, and according to the forme of their articles of the confederation aforesaid, which containeth the words underwritten, requiring that he might be acquitted and absolved of the same, to the great dammage and prejudice of the King of *England*, the Prelates, Nobles, and others abovenamed.

Wherefore the said procurators, in the names of their said Lords, doe pray your Lordships Auditors aforesaid that you cause due and speedie deliverie of the said people, with their goods and Merchandise so taken and detained, to be made to the Admirall of the said King of *England*, to whom the Cognizance of the same of right appertaineth (as is before expressed), So that without the disturbance of you, or any other, hee may take Cognizance therof, and to doe that which appertaineth to his office aforesaid. And the said *Mounseieur Reyner Grimbald* bee condemned, and constrained to make satisfaction to all the said parties damnified, so far forth as hee shall be able, and in his default, his said Lord, the
King

King of *France*, by whom he was deputed in the said Office; And that after due satisfaction made to the parties dampnified, the said *Mounſieur Reyner*, bee ſo duly puniſhed for the violation of the ſayd confederation, that his puniſhment may bee an example to others in time to come.

In the Record theſe memorable points are to be obſerved.

First, That the Kings of *England* had then been in peaceable poſſeſſion of the ſayd Dominion of the ſayd Sea of *England* by immemorable preſcription.

Secondly, That the Sovereignty belonged unto them, not becauſe they were *Domini utriusque ripæ*, as when they had both *England* and *Normandy*, and ſo were Lords of both ſhoares. For *Edward* the Firſt at this time had not *Normandy*, but that it is inſeparably appendant and annexed unto the Kingdome of *England*, our Kings being ſuperiour Lords of the ſayd Sea, by reaſon (as the ſayd Record ſpeaketh) of the ſayd Kingdomes.

Thirdly, Onely the Kings of *England* had power to make Lawes, and exerciſe ſupreame Jurisdiction over all perſons, and in all cauſes within the ſayd Sea, and in their abſence to the Maſters of their ſayd Ships onely appertaineth.

Fourthly,

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Fourthly, That the King of *France* could not make an Admirall in that Sea without doing wrong to the King of *England*, but that it was an usurpation upon his right.

Lastly, That all this was affirmed, and acknowledged by the Agents of most part of Christendome, being strangers to the Crown of *England*.

Surely I beleeeve no Prince in the world can produce clearer evidence for any part of his estate then the King of *England* by this Record can doe for his Sovereignty, and exclusive Jurisdiction in the Sea of *England*. Yet for further Declaration hereof, I will adde certain others of succeeding times in affirmance of that above mentioned.

The first whereof is that of King *Edward* 3. being an Article amongst others, upon which the Kings Justices were to be advised with all the title of the Record, being as followeth.

Articuli super quibus Justiciarii Domini nostri Regis sunt consulendi.

Item ad finem quod resumatur, & continuetur ad subditorum prosecutionem forma procedendi, quondam ordinata & inchoata per Avum Domini nostrum Regis, & ejus Concilium ad restituendum, & conservandum antiquam superioritatem Maris Angliæ, & jus officii Admirallatus in eodem,
quod

quod corrigendum leges & statuta per ejus Antecessores Angliæ Reges dudum ordinata, ad conservandum pacem & justitiam inter omnes Gentes Nationes cujuscunque per mare Angliæ transeuntes, & ad cognoscendum super omnibus in contrarium attemptatis in eodem, & ad puniendum delinquentes & damna parti satisfaciendum. Quæ quidem leges, & statuta per Dominum Richardum quondam Regem Angliæ in redditu suo à terra sancta correctæ fuerunt interpretatæ, declaratæ & Insula de Olleron publicatæ & nominatæ in Gallica lingua. Lay loy Olleron.

In this Record (as in the former) the ancient right of the King of *Englands* superiority in the Seas of *England*, and the large extent thereof is clearly specified, but especially in the conclusion wee may observe to the great glory of our English Nation, that the famous Lawes of *Olleron* (which after the *Rhodian* Lawes were antiquated and absolete) have now well neare 500. yeares been received by all the Christian world for regulating Sea affaires, and deciding Maritime controversies, were first declared by King *Richard* the first (a King of *England*) at his returne from the Holy land, and by him caused to bee published in the Isle of *Olleron*, then belonging to the Dutchy of *Aquitane* and thereupon, and from that Island tooke their name, which they yet retaine, and this is the more worthy of note, because untill this Record (being lately found) was produced, the most learned Lawyers,

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yers and Antiquaries of our times were altogether ignorant by whom those Laws were ordained, and why they were so called. To the same purpose and effect is this originall in French, but expressed here in English.

* *Item*, To the end that having seen and considered the formes of proceeding and Letters, ordained by the Counsell of our sayd Lord (Grandfather to the King) for them, and the sayd Nation of England, to recover and retaine the sayd Subjects Assistants and Allies, and to cause redresse to be made unto them for all damages done to them on Sea and Land during the said Truce, Peace and Confederation, and against the forme of the same by the said French, their Assistants and Allies, and to shew the clamour of the people for the said disinherittance, and the damages which by reason of such clamour might happen, and especially to retaine the Sovereignty, which his Ancestors the Kings of *England* used to have in the sayd Sea of *England*, as touching the ancient declaration and interpretation of Lawes by them made to governe all manner of people passing through the sayd Sea, And first to his Admirall and Masters, and Marriners of the Ships of the Cinque Ports of *England*, and of all other Lands annexed to the Crowne of *England*, belonging to his Army in the said Sea, the like formes of proceedings and letters be henceforth observed,

* *Record Regis in Tower.*

with

with all such amendment as may be ordained by the said Counsellors of our said Lord the King to the profit and honour of him.

And moreover the Record following, sheweth how much that great King *Edward* the third held himselfe in honour bound not to suffer the dominion of the Sea to be lost or impaired in his time, but especially wee are in it to observe, that the Kings of *England* were anciently as now *Domini Anglicani circumquaque*. Lords of the Seas environing *England*, for so the words of the Record are.

Rex dilecto, & fideli suo Galfrido de Say. Admirallo flotæ suæ navium ab ore aquæ Thamisæ, versus partes Occidentales salutem. Cum nuper nos animadvertentes quod Progenitores nostrum Reges Angliæ, Domini Maris Anglicani circumquaque, & etiam defensores contra hostium invasiones ante hæc tempora extiterunt. Et plurimum nos tæderet si honor noster regius in defensione hujusmodi armis (quod absit) deperat temporibus nostris, aut in aliquo minuatur &c. Mandamus vobis quod statim visis presentibus et absque ulteriori dilatione navis portuum prædictorum & alias naves, quæ jam paratæ existunt super mare teneatis.

And first to the practise proove of this Dominion, and Superioritie in all succeeding times what can be more pertinent and materiall then to shew.

That the Kings of *England* successively have had the Sovereigne guard of the Seas.

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That they have imposed taxes and tributes upon all Ships passing and fishing therein.

That they have stopped and opened the passage thereof to strangers, as they saw cause.

That all wrecks and Royall fishes therein found, are originally due and doe belong unto them.

Every of which particulars the testimonies following will amply manifest.

As touching therefore the guard of the Seas. It is apparent by the Records of Parliament, and by the printed bookes of Statutes, that Tonnage and Poundage were granted, as for other reasons, so especially, and all waies for enabling the King to guard the Seas. And accordingly divers admiralls from time to time were constituted by Commission for that purpose, of which there are multitudes of presidents upon Records. It may suffice to insert this one instead of many.

Rex Charissimo consanguineo suo Henrico Duci Exoniæ salutem. Sciatis cum nos, &c. retinuerimus vos sub certis modis & forma ad proficiendum in servitio nostro supra Mare super custodia ejusdem, &c. Ordinavimus & assignavimus vos, & vobis tenere presentium plenam, et sufficientem committimus, & damus potestatem et auctoritatem generalem et specialem ad proficiendum supra mare cum retinentia vestra Piratasque et Spoliatores, Mercatorum, et Piscatorum tam Anglorum, quam extraneorum cum eorum Navibus,

Navibus, et capiend. et arrestand. et eos juxta casus & juris exigentiam similiter castigand. &c.

And to this purpose wee finde frequent protections granted to such of the Subjects as were in service with their Admiralls, As to *Thomas Warren* of *Bristol*, qui in obsequium Regis in comitiva dilecti et fidelis consanguinei *Johannis Comitis Wigorum* unius custodum *Maris* super salva custodia et defensionem ejusdem *Maris* moratur.

So likewise unto *Iohn Warde*, qui in obsequio Regis in comitiva dilecti, & fidelis consanguinei nostri *Richardi comitis Sarum* unius custodum *Maris* super salva custodia & defensione ejusdem profecturus est.

And the like to *Richard Clarke*, qui in Regis obsequio in comitiva dilecti & fidelis consanguinei Regis *Johannis comitis Oxoniæ* unius custodum *maris* super salva custodia & defensione ejusdem moratur.

I shall not need to say more of elder times for declaration of this point, since our owne memories can testifie that divers Ships have been sent forth by our Soveraignes at sundry times upon the like imployment, besides those that have constantly kept the Narrow Seas, unto which all strangers even at this day vaile Bonnet in acknowledgement of this Superioritie, according to this Ordinance made by King *Iohn* many hundred yeares past, worthy to bee remembred, and observed, which out of the old French, I have here verbatim translated into English.

Item,

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* *Item*, It was ordained at *Hastings* for a Law and Custome of the Sea in the second year of the raigne of King *John*, by the advise of the Lords Temporall, That if a Lievetenant in any voyage being ordained by Common Councell of the Kingdome doe incounter upon the Sea any Ships or vessels laden, or unladen, that will not strike and veile their Bonnets at the commandement of the Lievetenant of the King, or of the Admirall of the King, or his Lievetenant, but will fight against them of the Fleet, that if they can be taken, they be reputed as enemies, and their Ships, Vessells, and Goods taken, and forfeited as the Goods of Enemies, although the Masters or Possessors of the same would come afterwards and alledge, that they are the Ships, Vessells, and Goods of those that are Friends to our Lord the King, and that the common people being in the same be chastised by imprisonment of their bodies for their rebellion, by discretion.

Concerning Taxes, and Tributes imposed upon Ships passing, and fishing upon our Seas, and Coasts, it will bee proper in the first place to set downe the Ordinance made in the second yeare of *Richard* the second by the assent of the whole estate in the Parliament, which upon the Roll of that yeare is recorded in these words.

Ordinance et grant per l'advise des Merchants de Londres et des autres Merchants vers le North

* *Inter leges marinas sub fine.*

per

per Assent de tous les Commons de Parliament per devant le Countes de Northumberland et le Mayor de Londres, pour le guard de mere et costs de Admirall des North aux deux niefs.

Primerment pur prendre de chacune neif et Crayer de quelque passage que passe per la mere le dit Admirall alant et retournant pur le voyage de chacune Tonne tight *vj.^d*

Iten de prendre des autres neifs et vessaux pessoners et passon entour autres poissonniers sur le mere deins le dit Admiralty de quelle portage quil soit en troys Semanies de chacune Tonne tight : *vj.^d*

Iten de toutes autres neifs Crayes & vessaux passantes per mere deins le de Admiralty charges ove biens de Merchants in Exprenx on eu Northway ou en Sion Ga de chacune Tonne tight *vj.^d*

In which Ordinance of Parliament wee may plainly observe that these payments were imposed upon all ships passengers, as well as fishers within those Seas. And to the like purpose is this of Edward the fourth.

*Rex dilectis & fidelibus * Iohanni Henningham militi Willo Hopton, Edv. Ynce, & Iohanni Wamflet; salutem Sciatis, quod cum nos pro securitate Subditorum; nostrorum commitatum Northampt. & Southampt. quam Navium, & Piscatorum qui super mare per Costeras, eorundem Comitatum piscari voluerunt sub con-*

* Pat. 22. E. 4. part. 1. in 2. de conductu sive gardia Wastorum piscatorum.

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ductu & salva gardua dilectorum & fidelium
nostrorum Edw. Ynce, Johannis Dabey, unius
valectorum Coronæ et Will. Thederston, quos
custodes, conductores, et Wastores pro securitate
dictorum Piscatorum versus inimicos nostros, super
mare existentes ad presens ordinavimus de fidelita-
te, et provida circumspectione vestris plenius con-
fidentes, assignavimus vos conjunctim, et divisim, ac
vobis plenam potestatem & auctoritatem tenore pre-
sentium damus et committimus tam ad custodes,
conductores, et Wastores illos supervivendum, quam
ad communicandum cum quibusdam Piratoribus
cujuscunque patriæ fuerint qui in partibus præ-
dictis sub securitate dictorum, Edmundi Ynce,
Iohannis Dabey, et Will. Thederston piscari vo-
luerint. Quod ipsi piscatores et eorum quilibet
ad omnia, et omnimoda costas onera et expensas
eisdem custodibus conductoribus et wastoribus pre-
sentium sint tempore piscationum contributores ad
hujusmodi costas, onera, et expensas illa de hujus-
modi piscationibus, piscatorum prædictorum ubi-
cunque inuenire poterunt levandum et colligen-
dum. Nec non ad omnes alios fore custodes, con-
ductores, sive wastores alios, quam prenominos
presumentes, vel attemptantes arrestandi, et ca-
piendi et prox. Goalæ nostræ committendum
ibidem salvo, et secure, quousque eorundem deli-
beratione ordinavimus custodiendum, similiter
auctoritatem et potestatem damus et committimus.
Et ideo vobis et cuilibet vestrum mandamus quod
circa præmissa diligenter intendatis ut ea faciatis
et exequamini in forma prædicta.

In

In this Record is manifestly exprest that the King appointed wasters to guard the fishers, not only of his owne realme but forrainers and strangers that fish upon his coasts, and that the wasters tooke a rateable proportion of every Ship towards their costs, and expences, in securing their fishing. And lastly, that these wasters were to prohibit all other wasters whatsoever that presumed to take that office upon them, and to commit them to prison there to attend the Kings pleasure.

To this effect the venerable *Camden**, in his description of the North riding of Yorkshire saith, that the Hollanders in their fishing for herring upon the Northcoasts of England did first obtaine licence of Scarborough Castle for to doe.

But that which is most materiall to the Soveraigne command, and proprietie of our King in this point of fishing, especially appeareth in that all Neighbour Princes have by treatie obtained licence for their Subjects to fish in our seas. As in a truce, and abstinence of War agreed betweene *Henry* the fourth, and the French, to the intent the Fishermen might fish in all parts, the King sent forth his Letters, as followeth.

Le Roy au toutz nous Admiralls & a fin qu'en cest present herringinon les poissonniers de l'un partie, & de l'auter pussioint peskenre plus seure-

* *Camdens Brit.*

E

ment

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ment in le mere les Herrings, & tous autres poissons entre le haven de Scarborough, & de fin de pays de Flanders vers le East et dillonques sur le coast de Angleterre insanes an haven de Southampton et sur le coast du Royanne de France de le dit fin de tout le dit pays de Flanders nisque a riviere de Sound, sc. vonlomis et avomus ordonne et oustre ordonnomus ottryons per les presents; Que tous les poissonniers de la dite partie de France poissonnent pesber seurement les herrens et toutz autres pessons durant cest herriognison et nisque an primer jour de Januarie prochainement a vener et denis et entre les bounds dessus limites.

The like liberty was granted by treaty between Henry the sixt and the Dutchesse of Burgundy to those of Brabant, and Flanders, witnessed by the Record following.

Rex omnibus ad quos, &c. Inspeximus quassdam continuationem, prorogationem, & elargationem nuper facta super facto intercurfus, & commutationis Merchandiz & Piscariæ maris & aliarum rerum necessarium ad utilitatem communem nostrorum regni Angliæ dominii & Hiberniæ et villæ Caliciæ ex una parte, et Ducatus Comitatus patriæ Brabantiæ, Flandriæ, et Domini villæ Machlinæ ex altera parte. Amongst other Articles this is one.

Item et tous pechens tam de Angleterre Ireland, et Calais peaceablement aller partent sur le

le mer pur pischer et gagner leur venore sans impeachment on disturber de l'une partie on de l'autre.

So in a Truce to endure for thirty yeares between the King of *England* and his heires on the one party, and the Duke of *Burgundy* and his heires on the other part. One Article is.

Item et tous pecheurs tam D'angleter quam d'Ireland et de Calais sicome de pais de Mon Sur le Duke quelques soyent purront peaceablement aller par tout sur le mer pur pescher, et Sans et leur soit besaigne sur co requirer on obtitiner asc licence conge on sans conduict, etc.

* The like in a truce, and abstinence of War, to endure the space of thirty yeares betweene *Edward* the fourth and his heires on the one part, and *Francis* Duke of *Brittaine* on the other part, where one Article is.

Item et tous, pescheurs tam D'angleter' sicome du dit pais et Duche de Britaigne quelques soyent purront peaceablement aller par tout sur mer pur pescher et gagner leur uniure sans impeachment on disturber del'une partie au de l'autre et sans et leur soit besaigne sur ceo requirer sans conduict.

Moreover, *Philip* the second, King of *Spaine*, in the first yeare of *Queen Mary* obtained license for his Subjects to fish upon the North coast of *Ireland* for the terme of one and twenty yeares, paying yearly for the same a thousand pound, which was accordingly brought into

E 2

the

* *Franc. 8. E. 4.*

the Exchequer of *Ireland*, and received of Sir *Henry Fitton*, being then Treasurer there, as his sonne Sir *Edward Fitton* hath often testified.

To conclude this point; It is notorious, that at this day the King of *France* (as others of his predeceffors have done) by the speciall license of the King of *England*, fisheth upon our Coasts neare *Rye*, with a set, and limited number of small boates, and that onely for provision of his own household, being tyed to observe the Orders and Lawes of his owne Fishermen; for breach whereof divers of his Subjects of late years have been taken and imprisoned in *Dover* Castle, and elsewhere.

Nor doth the King of *England* in these particulars claime, or use any exorbitant Jurisdictions, and differing from that of other States and Princes in like case, who generally give Aliens lawes to passe or fish in the seas coasting upon their Territories. And also impose Taxes and Tributes for their owne profit and commodity.

The Emperour of *Russia* compelleth all Fishermen within the Seas, though it be many Leagues from the Maine to pay him Tribute.

In *Scotland* and other Islands under the King of *Swede* they are enforced to pay Taxes.

The King of *Denmarke* at his Wardhouse in the Sound, hath for a Licence a Doller, and for the Seale or Rose, a Noble of every Ship, and

and for every last of Herrings, being 12 barrels, a Doller.

The Duke of *Medina Sidonia* in *Spaine*, hath his greatest revenues out of the Taxes layed upon Fishermen for their fishing in *Tourney*.

All Princes of *Italy* bordering upon the Seas receive a proportion of like benefit.

And the *Hollanders* themselves impose taxes on the fishes taken by their owne Fishermen in our Seas.

Now for the King of *Englands* Sovereignty in opening and stopping the passage of his Seas, the presidents of ancient times imbarging, and staying, not only Pyrates or Enemies, but friends also that were suspected to trade with Enemies, or had done particular wrong to the English subjects, or upon some other urgent occasion, or reason of State, are so frequent in Record of Story, that the transcribing and reading of a thing so generally known, would certainly bee esteemed losse of time and labour.

I remember those of *Hamborough*, and other Easterlings (though in amitie with us) in the late raigne of *Queene Elizabeth* of famous memory, were notwithstanding stayed from passing through our Seas towards *Spain*, and good prize made of all other Nations that attempted to doe the like without license first had and obtained from hence.

I will therefore only note by the way to this purpose, that strangers being to passe through
our

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our Seas either in coming to us, or going to any other place without so much as touching upon any of the King of *Englands* Countries, have used to take safe conducts, and licenses of our Kings to secure them, and protect them in their passage, thereby acknowledging the right of their superioritie in this behalfe in the Seas. Of which sort amongst many, the recital of these two shall suffice.

* *Rex per literas suas patentes per triennium duraturas suscepit in saluum & securum conductum suum, ac in protectionem, tuitionem & defensionem suas speciales Edw. Sygal et Opicinum Lomeline de Jean Mercatores cum bonis, & Merchandizis suis in quibusdam Bargis, Carakis, five navibus in partibus Janus carcatis, & alibi cariandis ab iisdem partibus in Regnum, Dominium et potestatem nostra veniendum, et exinde ad portas suas proprias tam per terram quam per mare transeundo, et redeundo.*

This was granted to certaine Merchants comming with their Shippes, and goods out of *Italy* into *England*.

That which followeth was to those which passed the Seas as well to other places, *ubicunque placuerit*, as this kingdome.

† *Rex per literas suas patentes de gratia sua speciali suscepit in saluum & securum conductum suum, ac in protectionem, tuitionem, & defensionem suas speciales Robertum Forrester, Roge-*

* *Franc. 11 H. 4. de salvo conductu.*

† *Rot. Fran. 38. H. 6. de salvo conductu.*

rum de Clerk, Leonardum Blanch, & Johannem de Conwillis, Mercatores de Normania, et eorum quemlibet, ac factores, Attornatos, et servientes suos et quemlibet eorum in regnum Regis Angliæ, ac alia Dominia, Jurisdictiones & territoria regis Angliæ quæcunque, vel alibi ubicunque eis placuerit, cum una nave vocata le grace de Dieu de Roven, portage 90. Doliorum, vel infra unde Johannes de Bognas, Nundinas de Basher, Martinus Hunday, Johannes de Blanch, Johannes Massey, vel Wilielmus Emry, est Magister Quibusdam bonis vel Merchandixis carcata et cum 20. Marinariis, et uno pagetto vel infra pro gubernatione ejusdem Navis, nec non pro rebus herneſtis et aliis armaturis quibuscunque pro corporibus eorum; et pro defensione ejusdem navis necessariis et defensibilibus secum habendis, et ferendis.

It remaineth to shew that by reason of this prerogative and soveraigntie all manner of wrecks, and royall fishes taken in our seas are due unto the King of England onely, or unto such unto whom by special charters they have granted the same.

For manifestation hereof, although the known and continued practise might suffice, we are to take notice, that by the fundamentall Laws of this Kingdome, the King shall have wreck of the sea, all Whales and Sturgeons taken therein, with Porpoyses, and other royall fishes: And for declaration of this Law, the Statute made 17 Edw. 2. concerning the Kings prerogative, saith,

Item

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* *Item Rex habebit wreccum maris per totum regnum Balenas, et Sturgiones captas in mare, vel alibi infra regnum, exceptis quibusdam privilegiatis locis per Regem.*

So likewise Porpoyces are adjudged to belong unto the King, unlesse any man can claime the same by Charter, or Prescription, and accordingly in ancient Charters granted by our Kings to particular places and persons, and among other liberties, *wreccum maris* is usually passed by special words arguing the Kings soveraigne right, and power to dispose thereof at his pleasure, by vertue whereof Wreck at this day is taken and enjoyed by many, as well Towns and Corporations as private men.

But for cleare prooffe of the right, and practise of this Sovereignty, the Record following is very remarkable, and not to be omitted.

† In a plea betweene *Peter de St. Cleere*, the Abbat of *Cherbourg*, and *Godfery de Carteret* Attorney for the Prior (the name of the Monasterie is worne out of the Record) concerning 2 Tuns of Wine found by certain Marri-ners *in alto Mari*, and by them brought to land through certain places, where the said parties claimed to have liberty of wreck. After long debate, and full hearing of the case recited

* *Stat. de Prærog. 17. E. 2. cap. 11.*

† *Rot. de St. Cleere, Iohan. de Frosingfield, & al. Justiciar. inhabit. Insulis Gersey & Gernsey, &c. anno 2 Ed. 3.*

at length in the Reccord, the conclusion and judgment is as followeth.

Et Willielmus de Marciis qui sequitur pro Domino Rege dicit quod nullus eorum petere potest prædicta vina et wreccum, quia dicit quod ea tantummodo sunt wreccum, quæ fluctus Maris projiciunt ad terram vel infra portum, vel tam prope terram quod astantibus in terra possint prehendi, et sic ducantur, vel trabantur ad portum, et ea, quæ reperta sunt in alto Mari unde wreccum non existit, quod fluctus Maris ea vellent projicere, sed per laborem Marrinariorum levantur à Mari, & ponantur in Navi, vel batello, et sic invasi ducantur ad terram et non tangunt terram alicujus per trabimitronem nec alio quovismodo non possunt wreccum, sed sunt tantummodo de adventuris maris de quibus nullus potest aliquid clamare nisi salvatores, et Dominus Rex concessit libertatem percipiendi hujusmodi adventuras. Et petit judicium pro Domino Rege. Et prædictus Petrus, et alii non possunt hoc dedicere. Et ideo consideratum est quod prædicta vina remaneant Domino Regi (salva salvatoribus parte sua) et Petrus, et alii in misericordia pro falso clamore. Postea unum de prædictis doliis concessum fuit prædicto Priori pro LX. de parte sua et de XX. residuis respondet Domino Regi.

Whence wee are to observe, that all findings, or things floating in *alto Mari*, and consequently the maine Sea, or Channell itself, belongeth to the King, of which those that finde the same are to have two parts of three for

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their share, in respect of their paines, and the other third part is due to the king.

For conclusion of that which hath been shewed already, I have thought fit to adde such presidents out of the municipall and common Lawes of the kingdome, marshalled together in one body, or classis, as do affirme this, the king of *Englands* Prerogative, and supream Jurisdiction in and over the Seas, which being severally applyed to such heads as are formerly set downe will evidently evict the truth thereof.

* *Bracton* in his booke *de acquirendo rerum dominio* saith. *Si autem insula in mari nata est (quod raro accidit) occupantis sit & per consequens Regis propter suum privilegium.*

The same *Bracton* affirmeth that one of the Articles to bee enquired before the Justices and Merchants was, *de purpresturis factis super dominum Regem sive in mari, &c.*

6. R. 2. Upon an Action of debt the defendant sued forth a protection. At which time Justice *Belknapp* tooke exception saying, the protection is, *quia profecturus est super mare* with G. K. Admirall; and you never saw protection allowed of, if the partie did not go out of the legiance of the king of *England* in the parts of *Scotland*, *Gascoignie*, or *France*. But the Sea is of the legeance of the King of his Crowne of *England*, wherefore it

* *Bracton de acquirendo rerum dominio lib. 2. fo. 19.*

seemeth

seemeth the protection is allowable, and you never saw such a protection allowed before this day ; but afterwards an expresse writ came out of the Chauncerie, commanding the protection to be allowed.

A child borne upon the Kings Seas is not an Alien by the common law.

Tempore Edw. 1. a replevin was brought of a Ship taken upon the waist of Scarborough on the sea, and from thence carried into the County of *Norfolke*, to which *Mutford* tooke two exceptions, one because no certaine Towne or Place was named from whence the visne should come ; for the waist extendeth foure leagues. Secondly, because of a thing done upon the Sea, this Court cannot have cognizance. To which Justice *Beresford* said that the king will that peace be kept as well upon the Sea, as upon the land ; and we finde that you are come in upon due proces, and so no cause but that you should make answer.

Doctor and Student saith, that the king is Lord of the narrow Seas, as bound to scowre the sea of Pirates and petty Robbers, and therefore shall have wreck of the sea.

By the common law the King shall have *Flostan*, *Jestan*, and *Ligan*.

Flostan being such Goods as after shipwrack doe floate upon the superficies of the water.

Jestan are all manner of goods that the Marriners being in danger do cast out of the ship perished.

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By *Ligan* is understood all things that are ponderous, and in shipwrack doe sinke to the ground and bottome of the sea.

By all which presidents it is manifest that by the common law of the land the king is proprietary Lord of our seas; that the seas of *England* are under the legeance of the king, that the king is the soveraigne conservator of the peace as well upon the sea as land, That not onely things floating on the superficies of the water but such as lye upon the soile or ground thereof, belong properly unto the king, whereupon I conclude, That *Rex Maris imperio Dominio et fundo possidet.*

And that it may appear how great a King the King of *England* is by reason of this his soveraignty and dominion, it will not bee amisse to take a view of the inestimable riches and commodities, which (besides our selves) other nations our neighbours doe daily reape especially by fishing in our seas, insomuch that no Christian Prince of the world is Lord of any Territory, that (considering all circumstances) yeeldeth the like constant and general benefit; for prooffe whereof I will briefly set downe such observations as others have heretofore made, and we our selves find by daily experience to be true beyond all exception.

The

*The inestimable Riches and Commodities
of the Brittish Seas.*

THE Coasts of Great Brittain doe yeeld such a continuall Sea-harvest of gaine, and benefit to all those that with diligence doe labour in the same, that no time or season in the yeare passeth away without some apparent meanes of profitable imployment especially to such as apply themselves to fishing, which from the beginning of the yeare unto the latter end, continueth upon some part or other upon our Coasts, and therein such infinite shoales and multitudes of fishes are offered to the takers as may justly move admiration, not only to strangers but to those that daily bee employed amongst them.

The Summer fishing for herring beginneth about *Midsommer* and lasteth some part of *August*.

The winter fishing for herring lasteth from *September* to the midst of *November*, both which extend in place from *Boughones* in *Scotland* to the *Thames* mouth.

The fishing for Cod at *Alamby Wirlington*, and *Whitehaven* neare the coast of *Lancashire* from *Easter* until *Whitfontide*.

The fishing for Hake at *Aberdeny*, *Abves-*
which, and other places betweene *Wales* and
Ireland,

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Ireland, from Whitfontide to Saint Iames tide.

The fishing of Cod and Ling about *Padflow* within the land, and of *Severne* from *Christmas* to *Midlent*.

The fishing for Cod on the West part of *Ireland* frequented by those of *Biscay*, *Galicia*, and *Portugall*, from the beginning of *Aprill* untill the end of *June*.

The fishing for Cod and Linge on the North and Northeast of *Ireland*, from *Christmas* untill *Michaelmas*.

The fishing for Pilchers on the West coast of *England* from *St. Iames* tide untill *Michaelmas*.

The fishing for Cod and Ling upon the Northeast of *England* from *Easter* untill *Midsummer*.

The fishing of great Staple Ling, and many other sorts of fish lying about the Iland of *Scotland*, and in the severall parts of the Brit-
tish Seas all the yeare long.

In *September*, not many yeares since upon the Coast of *Devonshire* neare *Minigall* 500 Tonne of fish were taken in one day. And about the same time three thousand pound worth of fish in one day were taken at *St. Ives* in *Cornewall* by small boates, and other poore provisions.

Our five-men-boates, and cobles adventuring in a calme to launch out amongst the *Holland Busses* not far from *Robin-hoods Bay*
returned

returned to *Whitby* full fraught with herrings, and reported that they saw some of those *Busses* take 10. 20. 24. lasts at a draught of herrings and returned into their owne Country with 40. 50. and 100. lasts of herrings in one *Busse*.

Our Fleete of colliers not many yeares since returning from *Newcastle* laden with coales about the well, neare *Flanborough* head and *Scarborough*, met with such multitudes of Cod, Ling, and Herring, that one amongst the rest with certaine ship-hookes, and other-like Instruments, drew up as much Cod and Ling in a little space of time, as were sold well neare for as much as her whole lading of coale. And many hundred of ships might have bin there laden in two daies and two nights.

Out of which wonderful affluence, and abundance of fish swarming in our seas, that we may the better perceive the infinite gaine which forraine Nations make, I will especially insift upon the fishing of the *Hollanders* in our Coasts, and thereby shew how by this meanes principally they have increased.

1. In Shipping. 2. In Marriners. 3. In Trade. 4. In Townes and Fortifications. 5. In Power externe or abroad. 6. In publique Revenue. 7. In private wealth. 8. In all manner of Provisions, and store of things necessary.

Encrease of Shipping.

BEfides 700. Strand boates, 400. Evars, and 400. Sulleys, Drivers and Todboates, wherewith the *Hollanders* fish upon their owne coasts, every one of those imploying another ship to fetch salt, and carry their fish into other countries, being in all 3000. saile, maintaining and setting on worke at least 4000. persons, Fishers, Tradesmen, Women and Children, They have 100. Doyer boates of 150. Tunnes a peece, or thereabouts. 700. Pincks and Well-boates from 60. to 100. Tuns a peece, which altogether fish upon the coasts of *England* and *Scotland* for Cod and Ling onely. And each of these employ another vessel for providing of salt and transporting of their Fish, making in all 1600. ships, which maintain and imploy persons of all sorts, 4000. at least.

For the Herring season they have 1600. Buffes at the least, all of them fishing onely upon our coasts from *Bouhonnese* in *Scotland* to the mouth of *Thames*. And every one of these maketh work for three other shippes that attend her; the one to bring in salt from forraigne parts, another to carry the sayd salt and cask to the buffes, and to bring back their herrings,

herrings, and the third to transport the sayd fish into forraign countries. So that the totall number of ships and busses plying the herring Faire is 6400. whereby every busse, one with another, imployeth 40. men, Marriners and Fishers within her own hold, and the rest 10 men a peece, which amounteth to 112000. Fishers and Mariners. All which maintaine double, if not treble so many Tradesmen, women and children a land.

Moreover they have 400. other vessels at least, that take Herring at *Yarmouth*, and there sell them for ready mony: so that the *Hollanders* (besides 300. ships before mentioned fishing upon their own shoares) have at least 4800. shippes only maintained by the seas of Great Brittain, by which means principally, *Holland* being not so bigge as one of our shires of *England*, containing not above 28 miles in length, and three in breadth, have encreased the number of their shipping to at least 10000. saile, being more then are in *England*, *France*, *Spaine*, *Portugall*, *Italy*, *Denmarke*, *Poland*, *Sweden*, and *Russia*. And to this number they adde every day; although their country it selfe affords them neither materialls, or victuall, nor merchandize to bee accounted of towards their setting forth.

Besides these of *Holland*, *Lubeck* hath 700. great ships, *Hamborough* 600. *Embden* 1400. whereunto adde the ships of *Bremer*, *Biscay*, *Portugall*, *Spaine*, and *France*, which for the

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most part fish in our seas, and it will appear that 10000. saile of forraigne vessels, and above are imployed and maintained by fishing upon our coasts, So that in *Holland* there are built 1000. saile at the least, to supply shipwracks, and augment their store, which as the Prime, and common Nursery, is the chieftest meanes onely to increase their number.

2.

Encrease of Marriners.

THE number of ships fishing on our coasts being as aforesayd, 8400. If wee allow but 20. persons to every ship one with another, the totall of Marriners and Fishers amounteth to 168000. out of which number they daily furnish their longer voyages to all parts of the world; for by this meanes they are not onely enabled to brooke the seas, and to know the use of the tackles, and compasse, but are likewise instructed in the principles of Navigation, and Pylotage, insomuch as from hence their greatest Navigators have had their education and breeding.

3.
Encrease of Trade.

BY reason of those multitude of Ships and Marriners, they have extended their trade to all parts of the world, exporting for the most part in all their voyages our herring, and other fish for the maintenance of the same. In exchange whereof they returne the severall commodities of other countries.

From the Southern parts, as *France, Spaine, and Portugall* for our herrings they returne Oyles, Wines, Pruynes, Honey, Woolles, &c. with store of coine *in Specie*.

From the Straights, Velvets, Sattins, and all sorts of Silks, Allomes, Currans, Oyles, and all Grocerie ware, with much money.

From the East Countries for our herrings, and other French and Italian commodities before returned, they bring home corne, Wax, Flax, hempe, Pitch, Tarre, Sope-ashes, Iron, copper, Steele, clapboard, Wainscot, Timber, Deale boarde, Dollers, and Hungare Gilders.

From *Germanie* for herrings, and other salt fish, Iron Steele, Glasse, Millstones, Rhenish wines, Button-plate for Armour, with other Munition, Silkes, Velvets, Rashes, Fustians, Baratees, and such like Frankford commodities, with store of Rixdollers.

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From *Brabant* they returne for the most part ready money with some Tapestries, and Hullshop. Yea some of our herring are carried as far as *Brazeile*.

And that which is more strange and greatly to our shame, they have foure hundred ships with fish, which (our men of *Yarmouth* within ken almost at land) doe vent our herrings amongst us here in *England*; and make us pay for the fish taken upon our owne coast ready money, wherewith they store their owne country.

4.

Encrease of Townes and Fortes.

BY this their large extent of trade they are become as it were citizens of the whole world, whereby they have so enlarged their Townes, that most of them within these foure hundred yeares are full as great againe as they were before; *Amsterdam*, *Leyden*, and *Midleburgh*, having bin lately twice enlarged, and their streetes, and buildings so faire, and orderly set forth, that for beauty and strength they may compare with any other in the world, upon which they bestow infinite summes of money, all originally flowing from the bountie of the sea, from whence, by their labour and industry they derive the beginning of

of all that wealth and greatnesse, and particularly for the havens of the aforesaid townes whereof some of them cost 40. 50. or 100000 /. Their fortifications, also both for number, and strength upon which they have bestowed infinite sums of money, may compare with any other whatsoever.

5.

Encrease of Power abroad.

SUCH being then the number of the ships, and Marriners, and so great their trade occasioned principally by their fishing; they have not onely strengthened and fortified themselves at home to repell all forraigne Invasions, as lately in the warre betweene them and *Spaine*, but have likewise stretched their power into the East, and West Indies in many places whereof they are Lords of the sea coasts, and have likewise fortified upon the maine, where the Kings, and people are at their devotion. And more then this all neighbour Princes in their differences by reason of this their power at Sea, are glad to have them of their partie. So that next to the English they are now become the most redoubted Nation at Sea of any other whatsoever.

6.

Encrease of publique Revenew.

MOreover, how mighty the publique re-
venew, and customes of that state are
increased by their fishing, may appeare in that
above thirtie years since, over and above the
customes of other Merchandise excises, Li-
censes, Waftage, and Lastage, there was payed
to the State for custome of herring, and other
salt fish, above 300000 pound in one yeare,
besides the tenth fish, and Caske payed for
waftage, which cometh at the least to as
much more among the Hollanders only, where-
unto the tenth of other Nations being added,
it amounteth to a far greater summe.

Wee are likewise to know, that great part
of their fish is sold in other Countries for
ready money, for which they commonly ex-
port of the finest gold and silver, and coming
home, recoyne it of a baser allay under their
owne stampe, which is not a small meanes to
augment their publique treasure.

7.

Encrease of private Wealth.

AS touching their private wealth, if wee consider the abundant store of herrings, and other fish by them taken, and the usuall prices that they are sold for, as also the multitude of tradesmen and Artisans, that by reason of this their fishing, are daily set on worke, wee must needs conclude, that the gaine thereof made by private men must of necessity be exceeding great, as by observing the particulars following, will plainly appeare.

During the wars betweene the King of *Spaine*, and the *Hollanders* before the last truce, *Dunkirke* by taking, spoiling, and burning the *Busses* of *Holland*, and setting great ransome upon their fishermen, enforced them to compound for great summs, that they might fish quietly for one yeare, whereupon the next yeare after the fishermen agreed amongst themselves to pay a dollar upon every last of herrings, towards the maintenance of certaine ships of warre to waite and secure them in their fishing, by reason whereof there was a record kept of the severall lasts of herrings taken that yeare, and it appeared thereby, that in one halfe yeare, there were taken 30000 lasts of herrings, which at twelve pound *per* last,

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last, amounteth to 3600000. and at 16. 20. 30 pound the last, they are ordinarily sold, then transported into other Countries, it comenth at least to 5000000 *l*. Whereunto, if wee add the herrings taken by other Nations, together with the codd, Ling, Hake, and the fish taken by the Hollanders and other our neighbours upon the Brittish Coasts all the year long, the total will evidently arise to be above 10000000 *l*.

The great trade of fishing imploying so many men and Ships at Sea, must likewise necessarily maintaine as great a number of tradesmen and Artizans on land, as Spinners, and Hempwinders to cables, Cordage, Yarne-twine for nets and lines, Weavers to make saile cloathes, ce-cive Packers, Tollers, Dressers, and Cowchers to sort, and make the herring lawfull merchandize. Tanners to tanne their Sailes and nets, Coopers to make caske, Block, and Bowle makers for shippes, keelemen, and Labourers for carrying and removing their fish, Sawyers for planks, carpenters, Shipwrights, Smithes, car-men, Boatemen, Brewers, bakers, and a number of others, whereof many are maimed persons and unfit to be otherwise imployed, besides the maintenance of all their severall wives, and children and families. And further, every man and maid servant, or Orphan, having any poore stock, may venture the same in their fishing voyages, which affords them

them ordinarily great increase, and is duly paid according to the proportion of their gaine.

8.

Encrease of Provision.

AND to conclude, it is manifest that Holland only affording in it selfe some few hops, Madders, butter and cheefe, aboundeth notwithstanding (by reason of this Art of fishing) in plentiful manner, with all kind of provisions as well for life, as in corne, Beefe, Muttons, Hides, and Cloathes, as for luxurie in wines, filkes, and spices, and for defence, as in pitch, tarr, Cordage, timber. All which they have not only in competent proportion for their use, but are likewise able from their severall Magazines to supply their neighbour countries.

The premises considered, it maketh much to the ignominie and shame of our *English* Nation, that God and Nature offering us so great a treasure even at our owne doores, wee doe notwithstanding neglect the benefit thereof, and by paying money to strangers for the fish of our owne Seas, impoverish our selves to make them rich. Insomuch that for want of industry and care in this particular 225. fisher townes are decayed and reduced to extreame poverty; whereas on the contrary, by diligent

endeavouring to make use of so great a blessing, wee might in short time repaire these decaied townes of the kingdome, and adde both honour, strength, and riches to our King and Country; which how easly it may be done will appeare by some few observations following.

By erecting two hundred and fifty Busses of reasonable strength and bignesse, there will be employment made for 1000 Ships, and for at least 10000 fisher men, and Marriners at Sea, and consequently for as many tradesmen, and labourers at land.

The herrings taken by the Busses will afford his Majesty 200000 l. yearely custome outward, and for commodities returned inward 30000 l. and above.

Wee have timber sufficient, and at reasonable rates, growing in our owne kingdome for the building of Busses; every Shire affordeth hardy and able men fit for such employment, who now live poorely and idle at home.

Wee have victualls in great plenty sold at easie rates, without payment of excises or Impost.

Our shores and harbours are neare the places where the fish doe haunt.

For drinke, or nets, salting, and packing our fish, and for succour in streffe of weather, wee may bring our fish to land, salt and pack it, and from some parts of his Majesties Dominions bee at our markets in *France, Spaine,*
or

or *Italy*, before the *Hollanders* can arrive in *Holland*.

Wee have meanes to transport our fish into some Northerne Countries, where the *Hollanders* seldome or never come. And though we had as many *Busses* as the *Hollanders*, yet is there vent for all, or more; for in the *East* and *Northerne* Countries, and in many other places, herrings are every daies meat, winter and summer, as well to draw on drinke, as to satisfie hunger; and in most places the greatest part of the yeare they be scarce to be had; for presently after *Michaelmas* the Sound and rivers are frozen up so as no herrings can be transported into twenty severall Kingdomes and free States until *Iuly*, which is for thirtie weekes space together; so that when Lent comes, there are few to be bought for Money.

Lastly, since by care and industry wee gained from the *Flemmings*, doubtlesse so by these meanes wee may as easily grow expert in the Art of Fishing, and in time make it a staple commodity of our owne.

But this wee shall the better and sooner doe, if wee consider, and endeavour to reforme certain wants and abuses, which hitherto have hindred us from effecting that good and great work; whereof these that follow are none of the least:

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1. Generall liberty of eating flesh contrary to old custome, and the Statute Lawes provided for observing Fish dayes, from whence our scarcitie and dearth of fish proceedeth; for where flesh is ordinarily spent, fish will not be bought, and want of sale decayeth all trade, gaine being the nurse of Industry.

2. Want of order and discretion in our fishing, every man being left to himselfe, and permitted to fish as best liketh him: whereas amongst the *Hollanders* two of the best experienced Fishermen are appointed to guide the rest of the fleete, all others being bound to follow them, and to cast their lines according to their direction.

3. The *Hollanders* and other Nations set forth with their Busses in *June* to finde the shoale of fish, and having found it, dwell amongst it till *November*; whereas wee stay till the Herring come home to our roade steads, and sometimes suffer them to passe by ere wee looke out, our Herring fishing containing onely seven weekes at the most, and theirs twentie.

4. The *Hollanders* Busses are great and strong, and able to brooke foule weather, whereas our Cobles, Crayers and Boates being small, and thinne sided, are easily swallowed by a rough Sea, not daring to adventure

ture far in faire weather by reason of their weaknesse for feare of stormes.

5. The *Hollanders* are industrious, and no sooner are discharged of toding, but presently put forth for more and seeke for Markets abroad as well as at home; whereas our *English*, after they had bin once at Sea, doe commonly never returne againe, untill all the money taken for their fish be spent, and they in debt, seeking only to serve the next Market.

6. The *Hollanders* have certaine Merchants who during the herring season doe onely come to the places where the Busses arrive; and joining together in severall companies, doe presently agree for the lading of 30. or 40. Busses at once, and so being discharged they may speedily returne to their former shipping; whereas our Fishermen are uncertaine of their chapmen, and forced to spend much time in putting off their fish by parcels.

These and other defects would carefully be taken into consideration, and certaine orders made to make our fishing prosperous and successeful, especially considering the carefull mischiefes the neglect hereof hath brought to the King and Kingdome in generall, and to many good townes and Corporations in particular, as by authority even of Parliament it selfe, in the Statute of 33. *Hen.* the eight, is plainly testified, which I have summarily
here

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here set downe, to avoid the prolixitie of the originall.

Because the English fisher-men dwelling on the sea coasts did leave off their trade of fishing in our seas, and went the half Seas over, and there upon the Seas did buy fish of Piccards, Flemmings, Normans, and Zelanders, by reason whereof many incommodities did grow to the Realme; viz. the decay of the wealth and prosperitie, as well of the Cinque Ports, and Members of the same, as of other coast townes by the Sea side, which were builded and inhabited by great multitudes of people, by reason of using and exercising the craft and feate of fishing: Secondly, the decay of a great number of boats and ships: And, thirdly, the decay of many good Mariners, both able in bodie by their diligence, labour, and continuall exercise of fishing, and expert by reason thereof in the knowledge of the Sea coasts, as well within this Realme, as in other parts beyond the Seas: It was therefore enacted, that no manner of persons, *English, Denizens*, or strangers at that time, or any time after, dwelling in *England*, should buy any fish of any strangers in the said Ports of *Flanders, Zeland, Picardy, France*, or upon the Sea between shore and shore, &c.

This act by many continuances was continued from Parliament to Parliament, untill the * first of *Queene Marie*, and from thence

* 1. Mar. cap. 14.

to the end of the next parliament, and then expired.

For conclusion, seeing by that which hath formerly bin declared, it evidently appeareth that the Kings of *England*, by immemorable prescription, continuall usage and possession, the acknowledgment of all our neighbour States, and the municipall lawes of the Kingdome, have ever held the Sovereigne Lordship of the Seas of *England*; and that unto his Majestie, by reason of his Sovereigntie, the supream command and Jurisdiction over the passage and fishing in the same rightfully appertaineth; considering also the natural scite of those our Seas, that interpose themselves betweene the great *Northerne* commerce of that of the whole world, and that of the *East*, *West*, and *Southerne* Clymates, and withall the infinite commodities that by fishing in the same is daily made; it cannot be doubted but his Majesty, by meanes of his owne excellent wisdom and vertue, and by the Industry of his faithfull Subjects and people, may easily without injustice to any prince or person whatsoever be made the greatest Monarch for Command and Wealth, and his people the most opulent and flourishing Nation of any other in the world. And this the rather, for that his Majesty is now absolute Commander of the *Brittish Isle*, and hath also enlarged his Dominions over a great part of the *Western* *Indies*;

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Indies; by meanes of which extent of Empire (crossing in a manner the whole Ocean) the trade and persons of all Nations (moving from one part of the World to the other) must of necessity, first or last, come within compasse of his power and jurisdiction.

And therefore the Sovereignty of our Seas being the most precious Jewell of his Majesties Crowne, and (next under God) the principall meanes of our Wealth and Safetie, all true English hearts and hands are bound by all possible meanes and diligence to preserve and maintaine the same, even with the uttermost hazzard of their lives, their goods and fortunes.

of those our Seas, that interpose themselves between the great Western Commerce of that of the whole World, and the East, West, and Southern Oceans, and withall the infinite commodities that by shipping in the same is daily made; it cannot be doubted but his Majesty, by meanes of his owne excellent wisdom and vertue, and by the Industry of his faithful Subjects and people, readyly without injustice to any Prince or person whatsoever be made the greatest Monarch for Command and Wealth, and his people the most opulent and flourishing Nation of any other in the world. And this the rather, for that his Majesty is now absolute Commander of the British Isle, and hath also enlarged his Dominions over a great part of the Western

